

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DANIEL DOYLE and ANN DOYLE,)	
)	8:05CV21
Plaintiffs,)	
)	
v.)	ORDER
)	
LELAND GRASKE,)	
)	
Defendant.)	

This matter is before the court on the defendant's Motion to Strike Jury Demand (Filing No. 228). Defendant asserts plaintiffs' action is based upon admiralty and maritime law and, as such, there is no right to a jury trial. The plaintiffs' counsel has informed the court, the plaintiffs have no opposition to the motion. Although the plaintiffs had initially made a jury demand, their claims were brought "in accordance with general maritime law and the State of Nebraska." **See** Filing No. 171. In these circumstances, the plaintiffs are not entitled to a trial by jury pursuant to Federal Rule of Civil Procedure 38(e). Accordingly,

IT IS ORDERED:

1. The defendant's Motion to Strike Jury Demand (Filing No. 228) is granted.
2. The Clerk of Court shall amend the docket to reflect the demand for jury trial is stricken and this matter is scheduled for a trial to the bench.

Dated this 14th day of February, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge